

CITY OF HOSUTON – EXECUTIVE ORDER

SUBJECT: Exercise of Mayor's Emergency Authority During a Local State of Disaster.

1. PURPOSE

The purpose of this Executive Order is to implement the Mayor's emergency powers during a local state of disaster pursuant to the Texas Disaster Act of 1975, as amended, chapter 418 of the Texas Government Code, and by Executive Order RP32 by the Governor of the State of Texas.

2. OBJECTIVES

The objective of this Executive Order is to provide the Mayor with the means and authority to enact emergency measures necessary to respond efficiently and quickly to a disaster that has already occurred or where the occurrence or threat of a disaster is imminent. This Executive Order is cumulative of all relevant state and federal laws, City ordinances, and the City Emergency Management Plan. No provision of this order shall be construed to excuse compliance with any law.

3. DEFINITIONS

(a) Disaster: the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or emergency.

(b) Local state of disaster: proclamation made by the Mayor pursuant to the Texas Disaster Act when the Mayor finds that a disaster has occurred or that the occurrence or threat of disaster is imminent. The proclamation activates the City's Emergency Management Plan as well as the Mayor's emergency authority.

(c) Emergency authority/power: those powers given to the Governor of Texas by the Texas Disaster Act that were delegated to the Mayor of the City of Houston through Executive Order RP32 to enact emergency measures necessary to respond to a local state of disaster.

(d) Emergency Management Plan: a manual drafted by the city which delineates the procedures by which the city mitigates, prepares, responds, and recovers from a disaster.

(e) Office of Emergency Management: the division within the City of Houston which is responsible for dealing with a disaster that either affects or has the potential to affect the City of Houston.

(f) Unconditional authorization: authorization from an affected corporation, organization, or individual that allows for the removal of debris or wreckage from the affected entity's private property and indemnifies the municipality against any claim arising from removal.

4. **SCOPE**

This order and the Mayor's emergency powers herein described shall apply to all department of the City of Houston.

5. **RESPONSIBILITIES**

(a) The director of each City department shall ensure that his/her department carries out its duties pursuant to this order as delegated by the Mayor and the Office of Emergency Management in response to a local state of disaster.

(b) Each employee or individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the State of Texas, and Ordinances of the City of Houston.

(c) This order is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety, and neither the City of Houston, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any agents thereof, in good faith carrying out, complying with or attempting to comply with, any procedure promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons or property as a result of said activity.

6. **PROCEDURES**

Each City Department is hereby authorized to implement its emergency services responsibilities as specified in the City's Emergency Management Plan, which includes, but is not limited to, ensuring the following:

(a) The Houston Police Department ("HPD") is hereby authorized to recommend the evacuation of all or part of a population in an affected area. This area is to be determined through the Office of Emergency Management ("OEM").

(b) The HPD is hereby authorized to impose a curfew and/or blockades as they are determined through the OEM.

(c) The Public Works and Engineering Department (PWED) is hereby authorized to impose limitations on utility use as determined through the OEM.

(d) The PWED is hereby authorized to remove debris without an unconditional authorization upon determination that receiving same is not practicable and further delay would created a greater risk to public health or safety.

(e) The OEM is hereby authorized to establish wage and price controls as necessary.

(f) The PWED is hereby authorized to use public and private resources as are necessary and as determined through the OEM.

(g) The HPD is hereby authorized to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles as determined through the OEM.

If any portion of this order shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof. All orders or ordinance, or parts therein, or resolutions in conflict herewith are expressly repealed. At all times when this order shall be in effect, it shall supersede and override al existing ordinances, orders, rules, and regulations, insofar as the latter may be inconsistent therewith. This order shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

Ordered, this 11th day of September, 2008.

ATTEST



City Secretary



Mayor of the City of Houston, Texas